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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,795	03/03/2004	Mitsugi Tanaka	117982	4360
25944	7590	10/05/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER GHATT, DAVE A	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,795

Applicant(s)

TANAKA, MITSUGI

Examiner

Dave A. Ghatt

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,10-23 and 25-48 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1,2,6,10-23,25 and 35-48 is/are allowed.
6) ☒ Claim(s) 26 and 27 is/are rejected.
7) ☒ Claim(s) 28-34 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Richardson et al. (US 4,917,514). Insofar as structure is broadly recited, Richardson et al. teaches the claimed apparatus. With respect to claims 26 and 35, as shown in Figures 3-5 and as outlined in the abstract, Richardson et al. teaches a tape printing apparatus that uses a tape cassette having two guide holes (a first hole for receiving the printhead 10, and a second hole for receiving shaft 35). Figure 3 teaches the tape printing apparatus having a tape cassette holder comprising at least a first guide member 35. Figures 1b and 14 teach a second guide member 19, the first guide member 35 having a height that is shorter than a height of the second guide member 19, the second guide member being inserted into a second guide hole of the tape cassette and the first guide member being inserted into a first guide hole of the tape cassette. Richardson et al. also teaches a tape cutting apparatus (118, 119) that includes a moveable cutter blade to cut tape, wherein an anvil for the movable cutter blade is located on the tape cassette. (See column 11 lines 38-49).

Art Unit: 2854

3. **(Alternative Rejection)** Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Richardson et al. (US 4,917,514). Insofar as structure is broadly recited, Richardson et al. teaches the claimed apparatus. With respect to claims 26 and 35, as shown in Figures 3-5 and as outlined in the abstract, Richardson et al. teaches a tape printing apparatus that uses a tape cassette having two guide holes (a first hole for receiving the printhead 10, and a second hole for receiving stem 50). Figure 4 teaches the tape printing apparatus having a tape cassette holder comprising at least a first guide member 50. Figures 1b and 14 teach a second guide member 19, the first guide member 50 having a height that is shorter than a height of the second guide member 19, the second guide member being inserted into a second guide hole of the tape cassette and the first guide member being inserted into a first guide hole of the tape cassette. Richardson et al. also teaches a tape cutting apparatus (118, 119) that includes a moveable cutter blade to cut tape, wherein an anvil for the movable cutter blade is located on the tape cassette. (See column 11 lines 38-49).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. (US 4,917,514) in view of Purcell (US 4,623,592). As outlined in the above rejection to claim 26

Art Unit: 2854

(paragraph 2 of the present office action) Richardson et al. teaches all the claimed structure including guides (19 and 35) that form one unit with the tape cassette holder. However Richardson et al. is silent as to the material of the guides. Purcell teaches a printer with a retaining guide 8 for retaining a ribbon cassette on the printer. See Figures 1 and 2. As taught in column 4 lines 37-40, Purcell teaches the guide made from plastic. To one of ordinary skill in the art, it would have been obvious to make the Richardson guides plastic, as taught by Purcell, because plastics have the advantage of providing flexibility in the cassette loading process.

Allowable Subject Matter

6. Claims 1, 2, 6, 10-23, 25, and 35-48 are allowed.

Claim 25 has been allowed because the prior art of record does not teach or render obvious the total combination claimed, including at least first and second guide members, a thermal printhead disposed on the first guide member, the second guide member having a top end that is located at a higher position than a top end of the first guide member.

Claim 35 has been allowed because the prior art of record does not teach or render obvious the total combination claimed, including at least first and second guide members, the first guide member having a height that is shorter than a height of the second guide member, and a thermal printhead disposed on the first guide member.

7. Claims 28 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2854

Claim 28 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a third guide member, wherein the third guide member has a height that is taller than the first guide member and that is shorter than the height of the second member.

Claim 34 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a thermal printhead mounted to the first guide member.

Response to Amendment

8. Applicant's amendment and arguments filed July 6, 2005 have been fully considered by the examiner. In view of the amendment to claim 1, the objections to claims 1-15 have been withdrawn. In view of the amendment to claim 16, claims 16-23 have now been allowed.

With respect to claim 26, although the claimed subject matter had previously been indicated as allowable, this claim has been rejected based on a new reference to Richardson et al. Because of this new ground for rejection, this action has been made non-final.

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

Art Unit: 2854

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG


ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800